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1603 Orrington Avenue/Suite 2000  
Evanston, Illinois 60201  
Telephone 847 - 905 - 7111  
Facsimile 847 - 905 - 7113

Date: MARCH 1, 2005

To: EXAMINER CHERY, M.  
U.S. PATENT AND TRADEMARK OFFICE

Fax #: (703) 746.7238

From: FRANK C. NICHOLAS  
Phone #: (847) 424.2521

Client/Matter No.: AUS920010132US1 (9000/29)

# of Pages: 18  
(including cover sheet)

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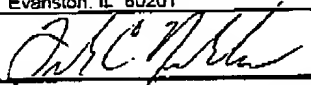
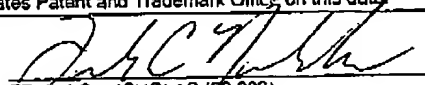
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<h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p>	Attorney Docket No.	AUS920010132US1 (9000/29)
	Application Number	09/903,721
	Filing Date	JULY 12, 2001
	First Named Inventor	PATRICK J. BOHRER
	Group Art Unit	2188
	Examiner	CHERY, M.

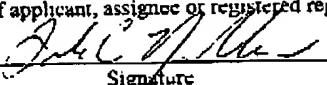
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Response to Office Action Dated February 3, 2004 <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> Petition for Extension of Time Request (dup) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Supplemental Information Disclosure Statement, PTO-1449, art <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawings <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition Under MPEP 711.03(c)II <input type="checkbox"/> Applicant Initiated Interview Request Form <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Express Abandonment Under 37 CFR 1.138 <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) (please identify below). <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. <u>09-0447</u> (IBM Corporation). A duplicate copy of this sheet is enclosed.		
<input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. <u>09-0447</u> (IBM Corporation). A duplicate copy of this sheet is enclosed.		

## CALCULATION OF FEE

				Small Entity		Large Entity	
	Claims After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	Add'l Fee
Total	Minus		0	x \$25=	0	x \$50=	
Indep	Minus		0	x \$100=	0	x \$200=	
First Presentation of Multiple Dep. Claim				+ \$180=		+ \$350=	
				total add'l fee	\$ 0	total add'l fee	\$ 0

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
Signature		Date	March 1, 2005
CERTIFICATE OF FACSIMILE			
I hereby certify that this correspondence is being transmitted via facsimile to (703) 746-7238 To the United States Patent and Trademark Office on this date			March 1, 2005
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Name of applicant, assignee or registered representative  
  
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PATENT  
Case No.: AUS920010132US1  
(9000/29)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:	)	
	)	
PATRICK J. BOHRER, ET AL.	)	Examiner: CHERY, M.
	)	
Serial No.: 09/903,721	)	Group Art Unit: 2188
	)	
Filed: JULY 12, 2001	)	
	)	
Title: DATA STORAGE ON A MULTI-TIERED	)	
DISK SYSTEM	)	

**RESPONSE TO OFFICE ACTION DATED FEBRUARY 3, 2005**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the office action dated February 3, 2005, please enter the following  
remarks.